



February 18, 2005

HOUSE BILL No. 1825

DIGEST OF HB 1825 (Updated February 16, 2005 5:31 pm - DI 69)

Citations Affected: IC 10-13; IC 31-9; IC 35-32; IC 35-37; IC 35-41; IC 35-42; IC 35-45.

Synopsis: Human and sexual trafficking; matchmaking; intimidation. Provides that a person who knowingly or intentionally recruits, harbors, or transports another person to engage the other person in forced labor or involuntary servitude, or to force the other person into marriage, commits promotion of human trafficking, a Class B felony. Provides that certain individuals who knowingly or intentionally sell or transfer custody of a minor for the purpose of prostitution commits sexual trafficking of a minor, a Class A felony. Provides that a person who knowingly or intentionally pays for an individual who is forced into forced labor, involuntary servitude, marriage, or prostitution commits human trafficking, a Class B felony. Adds human and sexual trafficking crimes to the list of crimes that: (1) invoke certain procedures for evidence concerning protected persons; (2) can be a crime of domestic violence; (3) can be murder if a person is killed during the commission of the crime; and (4) can be a "racketeering activity". Requires an international matchmaking organization to notify a recruit that the recruit is entitled to a criminal history information and a marital history declaration of a resident under certain situations and makes a violation a Class C misdemeanor. Makes intimidation a Class D felony instead of a Class A misdemeanor if the person to whom the threat is communicated is an employee of a court or probation department.

Effective: July 1, 2005.

Austin, Brown T, Mays, Turner

January 25, 2005, read first time and referred to Committee on Courts and Criminal Code.
February 17, 2005, amended, reported — Do Pass.

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February 18, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

HOUSE BILL No. 1825

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 10-13-3-27 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 27. (a) Except as
3 provided in subsection (b), on request, law enforcement agencies shall
4 release or allow inspection of a limited criminal history to noncriminal
5 justice organizations or individuals only if the subject of the request:
6 (1) has applied for employment with a noncriminal justice
7 organization or individual;
8 (2) has applied for a license and criminal history data as required
9 by law to be provided in connection with the license;
10 (3) is a candidate for public office or a public official;
11 (4) is in the process of being apprehended by a law enforcement
12 agency;
13 (5) is placed under arrest for the alleged commission of a crime;
14 (6) has charged that the subject's rights have been abused
15 repeatedly by criminal justice agencies;
16 (7) is the subject of a judicial decision or determination with
17 respect to the setting of bond, plea bargaining, sentencing, or

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probation;

(8) has volunteered services that involve contact with, care of, or supervision over a child who is being placed, matched, or monitored by a social services agency or a nonprofit corporation;

(9) has volunteered services at a public school (as defined in IC 20-10.1-1-2) or non-public school (as defined in IC 20-10.1-1-3) that involve contact with, care of, or supervision over a student enrolled in the school;

(10) is being investigated for welfare fraud by an investigator of the division of family and children or a county office of family and children;

(11) is being sought by the parent locator service of the child support bureau of the division of family and children;

(12) is or was required to register as a sex and violent offender under IC 5-2-12; **or**

(13) has been convicted of any of the following:

(A) Rape (IC 35-42-4-1), if the victim is less than eighteen (18) years of age.

(B) Criminal deviate conduct (IC 35-42-4-2), if the victim is less than eighteen (18) years of age.

(C) Child molesting (IC 35-42-4-3).

(D) Child exploitation (IC 35-42-4-4(b)).

(E) Possession of child pornography (IC 35-42-4-4(c)).

(F) Vicarious sexual gratification (IC 35-42-4-5).

(G) Child solicitation (IC 35-42-4-6).

(H) Child seduction (IC 35-42-4-7).

(I) Sexual misconduct with a minor as a felony (IC 35-42-4-9).

(J) Incest (IC 35-46-1-3), if the victim is less than eighteen (18) years of age; **or**

(14) has been requested by an international matchmaking organization to provide a copy of the individual's criminal history information under IC 35-45-17.

However, limited criminal history information obtained from the National Crime Information Center may not be released under this section except to the extent permitted by the Attorney General of the United States.

(b) A law enforcement agency shall allow inspection of a limited criminal history by and release a limited criminal history to the following noncriminal justice organizations:

(1) Federally chartered or insured banking institutions.

(2) Officials of state and local government for any of the following purposes:

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(A) Employment with a state or local governmental entity.

(B) Licensing.

(3) Segments of the securities industry identified under 15 U.S.C. 78q(f)(2).

(c) Any person who uses limited criminal history for any purpose not specified under this section commits a Class A misdemeanor.

SECTION 2. IC 31-9-2-29.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 29.5. "Crime involving domestic or family violence" means a crime that occurs when a family or household member commits, attempts to commit, or conspires to commit any of the following against another family or household member:

(1) A homicide offense under IC 35-42-1.

(2) A battery offense under IC 35-42-2.

(3) Kidnapping or confinement under IC 35-42-3.

(4) A sex offense under IC 35-42-4.

(5) Robbery under IC 35-42-5.

(6) Arson or mischief under IC 35-43-1.

(7) Burglary or trespass under IC 35-43-2.

(8) Disorderly conduct under IC 35-45-1.

(9) Intimidation or harassment under IC 35-45-2.

(10) Voyeurism under IC 35-45-4.

(11) Stalking under IC 35-45-10.

(12) An offense against the family under IC 35-46-1-2 through IC 35-46-1-8, IC 35-46-1-12, or IC 35-46-1-15.1.

(13) Human and sexual trafficking under IC 35-42-3.5.

SECTION 3. IC 35-32-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) A person who commits the offense of:

(1) kidnapping; ~~or~~

(2) criminal confinement;

(3) human trafficking;

(4) promotion of human trafficking; or

(5) sexual trafficking of a minor;

may be tried in a county in which the victim has traveled or has been confined during the course of the offense.

(b) A person who commits the offense of criminal confinement or interference with custody may be tried in a county in which the child who was removed, taken, concealed, or detained in violation of a child custody order:

(1) was a legal resident at the time of the taking, concealment, or detention;

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(2) was taken, detained, or concealed; or

(3) was found.

SECTION 4. IC 35-37-4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) This section applies to a criminal action involving the following offenses where the victim is a protected person under subsection (c)(1) or (c)(2):

(1) Sex crimes (IC 35-42-4).

(2) Battery upon a child ~~(IC 35-42-2-1(2)(B))~~.
(IC 35-42-2-1(a)(2)(B)).

(3) Kidnapping and confinement (IC 35-42-3).

(4) Human and sexual trafficking crimes (IC 35-42-3.5).

~~(4) (5)~~ Incest (IC 35-46-1-3).

~~(5) (6)~~ Neglect of a dependent (IC 35-46-1-4).

~~(6) (7)~~ An attempt under IC 35-41-5-1 for an offense listed in subdivisions (1) through ~~(5)~~: **(6)**.

(b) This section applies to a criminal action involving the following offenses where the victim is a protected person under subsection (c)(3):

(1) Exploitation of a dependent or endangered adult (IC 35-46-1-12).

(2) A sex crime (IC 35-42-4).

(3) Battery (IC 35-42-2-1).

(4) Kidnapping, confinement, or interference with custody (IC 35-42-3).

(5) Home improvement fraud ~~(IC 35-42-6)~~: **(IC 35-43-6)**.

(6) Fraud (IC 35-43-5).

(7) Identity deception (IC 35-43-5-3.5).

(8) Theft (IC 35-43-4-2).

(9) Conversion (IC 35-43-4-3).

(10) Neglect of a dependent (IC 35-46-1-4).

(11) Human and sexual trafficking crimes (IC 35-42-3.5).

(c) As used in this section, "protected person" means:

(1) a child who is less than fourteen (14) years of age;

(2) a mentally disabled individual who has a disability attributable to an impairment of general intellectual functioning or adaptive behavior that:

(A) is manifested before the individual is eighteen (18) years of age;

(B) is likely to continue indefinitely;

(C) constitutes a substantial impairment of the individual's ability to function normally in society; and

(D) reflects the individual's need for a combination and sequence of special, interdisciplinary, or generic care,

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1 treatment, or other services that are of lifelong or extended
 2 duration and are individually planned and coordinated; or

3 (3) an individual who is:

4 (A) at least eighteen (18) years of age; and

5 (B) incapable by reason of mental illness, mental retardation,
 6 dementia, or other physical or mental incapacity of:

7 (i) managing or directing the management of the individual's
 8 property; or

9 (ii) providing or directing the provision of self-care.

10 (d) A statement or videotape that:

11 (1) is made by a person who at the time of trial is a protected
 12 person;

13 (2) concerns an act that is a material element of an offense listed
 14 in subsection (a) or (b) that was allegedly committed against the
 15 person; and

16 (3) is not otherwise admissible in evidence;

17 is admissible in evidence in a criminal action for an offense listed in
 18 subsection (a) or (b) if the requirements of subsection (e) are met.

19 (e) A statement or videotape described in subsection (d) is
 20 admissible in evidence in a criminal action listed in subsection (a) or
 21 (b) if, after notice to the defendant of a hearing and of the defendant's
 22 right to be present, all of the following conditions are met:

23 (1) The court finds, in a hearing:

24 (A) conducted outside the presence of the jury; and

25 (B) attended by the protected person;

26 that the time, content, and circumstances of the statement or
 27 videotape provide sufficient indications of reliability.

28 (2) The protected person:

29 (A) testifies at the trial; or

30 (B) is found by the court to be unavailable as a witness for one

31 (1) of the following reasons:

32 (i) From the testimony of a psychiatrist, physician, or
 33 psychologist, and other evidence, if any, the court finds that
 34 the protected person's testifying in the physical presence of
 35 the defendant will cause the protected person to suffer
 36 serious emotional distress such that the protected person
 37 cannot reasonably communicate.

38 (ii) The protected person cannot participate in the trial for
 39 medical reasons.

40 (iii) The court has determined that the protected person is
 41 incapable of understanding the nature and obligation of an
 42 oath.

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(f) If a protected person is unavailable to testify at the trial for a reason listed in subsection (e)(2)(B), a statement or videotape may be admitted in evidence under this section only if the protected person was available for cross-examination:

- (1) at the hearing described in subsection (e)(1); or
- (2) when the statement or videotape was made.

(g) A statement or videotape may not be admitted in evidence under this section unless the prosecuting attorney informs the defendant and the defendant's attorney at least ten (10) days before the trial of:

- (1) the prosecuting attorney's intention to introduce the statement or videotape in evidence; and
- (2) the content of the statement or videotape.

(h) If a statement or videotape is admitted in evidence under this section, the court shall instruct the jury that it is for the jury to determine the weight and credit to be given the statement or videotape and that, in making that determination, the jury shall consider the following:

- (1) The mental and physical age of the person making the statement or videotape.
- (2) The nature of the statement or videotape.
- (3) The circumstances under which the statement or videotape was made.
- (4) Other relevant factors.

(i) If a statement or videotape described in subsection (d) is admitted into evidence under this section, a defendant may introduce a:

- (1) transcript; or
- (2) videotape;

of the hearing held under subsection (e)(1) into evidence at trial.

SECTION 5. IC 35-37-4-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) This section applies to a criminal action under the following:

- (1) Sex crimes (IC 35-42-4).
- (2) Battery upon a child (~~IC 35-42-2-1(2)(B))~~: **(IC 35-42-2-1(a)(2)(B))**.
- (3) Kidnapping and confinement (IC 35-42-3).
- (4) Incest (IC 35-46-1-3).
- (5) Neglect of a dependent (IC 35-46-1-4).
- (6) Human and sexual trafficking crimes (IC 35-42-3.5).**
- ~~(7)~~ **(6)** An attempt under IC 35-41-5-1 for an offense listed in subdivisions (1) through ~~(5)~~: **(6)**.

(b) As used in this section, "protected person" has the meaning set

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1 forth in section 6 of this chapter.

2 (c) On the motion of the prosecuting attorney, the court may order
3 that the testimony of a protected person be taken in a room other than
4 the courtroom, and that the questioning of the protected person by the
5 prosecution and the defense be transmitted using a two-way closed
6 circuit television arrangement that:

7 (1) allows the protected person to see the accused and the trier of
8 fact; and

9 (2) allows the accused and the trier of fact to see and hear the
10 protected person.

11 (d) On the motion of the prosecuting attorney or the defendant, the
12 court may order that the testimony of a protected person be videotaped
13 for use at trial. The videotaping of the testimony of a protected person
14 under this subsection must meet the requirements of subsection (c).

15 (e) The court may not make an order under subsection (c) or (d)
16 unless:

17 (1) the testimony to be taken is the testimony of a protected
18 person who:

19 (A) is the alleged victim of an offense listed in subsection (a)
20 for which the defendant is being tried or is a witness in a trial
21 for an offense listed in subsection (a); and

22 (B) is found by the court to be a protected person who should
23 be permitted to testify outside the courtroom because:

24 (i) the court finds from the testimony of a psychiatrist,
25 physician, or psychologist and any other evidence that the
26 protected person's testifying in the physical presence of the
27 defendant would cause the protected person to suffer serious
28 emotional harm and the court finds that the protected person
29 could not reasonably communicate in the physical presence
30 of the defendant to the trier of fact;

31 (ii) a physician has certified that the protected person cannot
32 be present in the courtroom for medical reasons; or

33 (iii) evidence has been introduced concerning the effect of
34 the protected person's testifying in the physical presence of
35 the defendant, and the court finds that it is more likely than
36 not that the protected person's testifying in the physical
37 presence of the defendant creates a substantial likelihood of
38 emotional or mental harm to the protected person;

39 (2) the prosecuting attorney has informed the defendant and the
40 defendant's attorney of the intention to have the protected person
41 testify outside the courtroom; and

42 (3) the prosecuting attorney informed the defendant and the

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defendant's attorney under subdivision (2) at least ten (10) days before the trial of the prosecuting attorney's intention to have the protected person testify outside the courtroom.

(f) If the court makes an order under subsection (c), only the following persons may be in the same room as the protected person during the protected person's testimony:

(1) A defense attorney if:

(A) the defendant is represented by the defense attorney; and

(B) the prosecuting attorney is also in the same room.

(2) The prosecuting attorney if:

(A) the defendant is represented by a defense attorney; and

(B) the defense attorney is also in the same room.

(3) Persons necessary to operate the closed circuit television equipment.

(4) Persons whose presence the court finds will contribute to the protected person's well-being.

(5) A court bailiff or court representative.

(g) If the court makes an order under subsection (d), only the following persons may be in the same room as the protected person during the protected person's videotaped testimony:

(1) The judge.

(2) The prosecuting attorney.

(3) The defendant's attorney (or the defendant, if the defendant is not represented by an attorney).

(4) Persons necessary to operate the electronic equipment.

(5) The court reporter.

(6) Persons whose presence the court finds will contribute to the protected person's well-being.

(7) The defendant, who can observe and hear the testimony of the protected person with the protected person being able to observe or hear the defendant. However, if the defendant is not represented by an attorney, the defendant may question the protected person.

(h) If the court makes an order under subsection (c) or (d), only the following persons may question the protected person:

(1) The prosecuting attorney.

(2) The defendant's attorney (or the defendant, if the defendant is not represented by an attorney).

(3) The judge.

SECTION 6. IC 35-41-1-6.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6.5. "Crime involving domestic or family violence" means a crime that occurs when a family

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or household member commits, attempts to commit, or conspires to commit any of the following against another family or household member:

- (1) A homicide offense under IC 35-42-1.
- (2) A battery offense under IC 35-42-2.
- (3) Kidnapping or confinement under IC 35-42-3.
- (4) Human and sexual trafficking crimes under IC 35-42-3.5.**
- ~~(4)~~ **(5)** A sex offense under IC 35-42-4.
- ~~(5)~~ **(6)** Robbery under IC 35-42-5.
- ~~(6)~~ **(7)** Arson or mischief under IC 35-43-1.
- ~~(7)~~ **(8)** Burglary or trespass under IC 35-43-2.
- ~~(8)~~ **(9)** Disorderly conduct under IC 35-45-1.
- ~~(9)~~ **(10)** Intimidation or harassment under IC 35-45-2.
- ~~(10)~~ **(11)** Voyeurism under IC 35-45-4.
- ~~(11)~~ **(12)** Stalking under IC 35-45-10.
- ~~(12)~~ **(13)** An offense against family under IC 35-46-1-2 through IC 35-46-1-8, IC 35-46-1-12, or IC 35-46-1-15.1.

SECTION 7. IC 35-42-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. A person who:

- (1) knowingly or intentionally kills another human being;
- (2) kills another human being while committing or attempting to commit arson, burglary, child molesting, consumer product tampering, criminal deviate conduct, kidnapping, rape, robbery, **human trafficking, promotion of human trafficking, sexual trafficking of a minor**, or carjacking;
- (3) kills another human being while committing or attempting to commit:
 - (A) dealing in or manufacturing cocaine, a narcotic drug, or methamphetamine (IC 35-48-4-1);
 - (B) dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2);
 - (C) dealing in a schedule IV controlled substance (IC 35-48-4-3); or
 - (D) dealing in a schedule V controlled substance; or
- (4) knowingly or intentionally kills a fetus that has attained viability (as defined in IC 16-18-2-365);

commits murder, a felony.

SECTION 8. IC 35-42-3.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

Chapter 3.5. Human and Sexual Trafficking

Sec. 1. (a) A person who knowingly or intentionally recruits,

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1 harbors, or transports another person by force, threat of force, or
2 fraud:

3 (1) to engage the other person in:

4 (A) forced labor; or

5 (B) involuntary servitude; or

6 (2) to force the other person into:

7 (A) marriage; or

8 (B) prostitution;

9 commits promotion of human trafficking, a Class B felony.

10 (b) A parent, guardian, or custodian of a minor who knowingly
11 or intentionally sells or transfers custody of a minor for the
12 purpose of prostitution commits sexual trafficking of a minor, a
13 Class A felony.

14 (c) A person who knowingly or intentionally pays, offers, or
15 agrees to pay money or other property to another person for an
16 individual who is forced into:

17 (1) forced labor;

18 (2) involuntary servitude;

19 (3) marriage; or

20 (4) prostitution;

21 commits human trafficking, a Class B felony.

22 SECTION 9. IC 35-45-2-1 IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) A person who
24 communicates a threat to another person, with the intent:

25 (1) that the other person engage in conduct against the other
26 person's will;

27 (2) that the other person be placed in fear of retaliation for a prior
28 lawful act; or

29 (3) of causing:

30 (A) a dwelling, a building, or another structure; or

31 (B) a vehicle;

32 to be evacuated;

33 commits intimidation, a Class A misdemeanor.

34 (b) However, the offense is a:

35 (1) Class D felony if:

36 (A) the threat is to commit a forcible felony;

37 (B) the person to whom the threat is communicated:

38 (i) is a law enforcement officer;

39 (ii) is a judge or bailiff of any court;

40 (iii) is a witness (or the spouse or child of a witness) in any
41 pending criminal proceeding against the person making the
42 threat;

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(iv) is an employee of a school corporation; or

(v) is a community policing volunteer;

(vi) is an employee of a court; or

(vii) is an employee of a probation department;

(C) the person has a prior unrelated conviction for an offense under this section concerning the same victim; or

(D) the threat is communicated using property, including electronic equipment or systems, of a school corporation or other governmental entity; and

(2) Class C felony if, while committing it, the person draws or uses a deadly weapon.

(c) "Threat" means an expression, by words or action, of an intention to:

(1) unlawfully injure the person threatened or another person, or damage property;

(2) unlawfully subject a person to physical confinement or restraint;

(3) commit a crime;

(4) unlawfully withhold official action, or cause such withholding;

(5) unlawfully withhold testimony or information with respect to another person's legal claim or defense, except for a reasonable claim for witness fees or expenses;

(6) expose the person threatened to hatred, contempt, disgrace, or ridicule;

(7) falsely harm the credit or business reputation of the person threatened; or

(8) cause the evacuation of a dwelling, a building, another structure, or a vehicle.

SECTION 10. IC 35-45-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. As used in this chapter:

"Documentary material" means any document, drawing, photograph, recording, or other tangible item containing compiled data from which information can be either obtained or translated into a usable form.

"Enterprise" means:

(1) a sole proprietorship, corporation, limited liability company, partnership, business trust, or governmental entity; or

(2) a union, an association, or a group, whether a legal entity or merely associated in fact.

"Pattern of racketeering activity" means engaging in at least two (2) incidents of racketeering activity that have the same or similar intent, result, accomplice, victim, or method of commission, or that are

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otherwise interrelated by distinguishing characteristics that are not isolated incidents. However, the incidents are a pattern of racketeering activity only if at least one (1) of the incidents occurred after August 31, 1980, and if the last of the incidents occurred within five (5) years after a prior incident of racketeering activity.

"Racketeering activity" means to commit, to attempt to commit, to conspire to commit a violation of, or aiding and abetting in a violation of any of the following:

- (1) A provision of IC 23-2-1, or of a rule or order issued under IC 23-2-1.
- (2) A violation of IC 35-45-9.
- (3) A violation of IC 35-47.
- (4) A violation of IC 35-49-3.
- (5) Murder (IC 35-42-1-1).
- (6) Battery as a Class C felony (IC 35-42-2-1).
- (7) Kidnapping (IC 35-42-3-2).
- (8) Human and sexual trafficking crimes (IC 35-42-3.5).**
- ~~(8)~~ **(9)** Child exploitation (IC 35-42-4-4).
- ~~(9)~~ **(10)** Robbery (IC 35-42-5-1).
- ~~(10)~~ **(11)** Carjacking (IC 35-42-5-2).
- ~~(11)~~ **(12)** Arson (IC 35-43-1-1).
- ~~(12)~~ **(13)** Burglary (IC 35-43-2-1).
- ~~(13)~~ **(14)** Theft (IC 35-43-4-2).
- ~~(14)~~ **(15)** Receiving stolen property (IC 35-43-4-2).
- ~~(15)~~ **(16)** Forgery (IC 35-43-5-2).
- ~~(16)~~ **(17)** Fraud (IC 35-43-5-4(1) through IC 35-43-5-4(9)).
- ~~(17)~~ **(18)** Bribery (IC 35-44-1-1).
- ~~(18)~~ **(19)** Official misconduct (IC 35-44-1-2).
- ~~(19)~~ **(20)** Conflict of interest (IC 35-44-1-3).
- ~~(20)~~ **(21)** Perjury (IC 35-44-2-1).
- ~~(21)~~ **(22)** Obstruction of justice (IC 35-44-3-4).
- ~~(22)~~ **(23)** Intimidation (IC 35-45-2-1).
- ~~(23)~~ **(24)** Promoting prostitution (IC 35-45-4-4).
- ~~(24)~~ **(25)** Promoting professional gambling (IC 35-45-5-4).
- ~~(25)~~ **(26)** Dealing in or manufacturing cocaine, a narcotic drug, or methamphetamine (IC 35-48-4-1).
- ~~(26)~~ **(27)** Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).
- ~~(27)~~ **(28)** Dealing in a schedule IV controlled substance (IC 35-48-4-3).
- ~~(28)~~ **(29)** Dealing in a schedule V controlled substance (IC 35-48-4-4).

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~~(29)~~ **(30)** Dealing in marijuana, hash oil, or hashish
(IC 35-48-4-10).

~~(30)~~ **(31)** Money laundering (IC 35-45-15-5).

~~(31)~~ **(32)** A violation of IC 35-47.5-5.

SECTION 11. IC 35-45-17 IS ADDED TO THE INDIANA CODE
AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2005]:

Chapter 17. International Matchmaking Organizations

Sec. 1. As used in this chapter, "international matchmaking
organization" means a sole proprietorship, a corporation, a
partnership, or other enterprise that transacts business in the
United States and offers to Indiana residents dating, matrimonial,
or social referral services involving a citizen of another country by:

(1) exchanging:

(A) names;

(B) telephone numbers;

(C) addresses;

(D) personal statistics; or

(E) personal photographs; or

(2) providing a social environment in a country other than the
United States for an Indiana resident to meet a citizen of
another country.

Sec. 2. As used in this chapter, "marital history declaration"
means a declaration of an individual stating:

(1) the individual's current marital status;

(2) the number of times the individual has been married; and

(3) whether a previous marriage has occurred as a result of
receiving services from an international matchmaking
organization.

Sec. 3. As used in this chapter, "recruit" means an individual
who is not a citizen of the United States and is recruited by an
international matchmaking organization for the purpose of
meeting, dating, or marrying another individual.

Sec. 4. (a) If an international matchmaking organization
transacts business with an individual in Indiana, the international
matchmaking organization shall notify each recruit that the recruit
may request to have a copy of the criminal history information and
marital history declaration of the individual in Indiana.

(b) If a recruit requests criminal history information or a
marital history declaration under subsection (a), the international
matchmaking organization shall:

(1) provide a copy of the criminal history information or

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1 marital history declaration in:

2 (A) the recruit's native language; and

3 (B) English;

4 to the recruit;

5 (2) require the person in Indiana to:

6 (A) either:

7 (i) obtain a copy of the individual's criminal history
8 information under IC 10-13-3-27; or

9 (ii) prepare a marital history declaration; and

10 (B) forward the criminal history information or marital
11 history declaration to the international matchmaking
12 organization; and

13 (3) refrain from providing any further services to a recruit or
14 the Indiana resident until the international matchmaking
15 organization has provided the documents requested under
16 subsection (a).

17 (c) A person who recklessly, knowingly, or intentionally violates
18 this section commits a Class C misdemeanor.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1825, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, between lines 6 and 7, begin new paragraph and insert:

"SECTION 2. IC 31-9-2-29.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 29.5. "Crime involving domestic or family violence" means a crime that occurs when a family or household member commits, attempts to commit, or conspires to commit any of the following against another family or household member:

- (1) A homicide offense under IC 35-42-1.
- (2) A battery offense under IC 35-42-2.
- (3) Kidnapping or confinement under IC 35-42-3.
- (4) A sex offense under IC 35-42-4.
- (5) Robbery under IC 35-42-5.
- (6) Arson or mischief under IC 35-43-1.
- (7) Burglary or trespass under IC 35-43-2.
- (8) Disorderly conduct under IC 35-45-1.
- (9) Intimidation or harassment under IC 35-45-2.
- (10) Voyeurism under IC 35-45-4.
- (11) Stalking under IC 35-45-10.
- (12) An offense against the family under IC 35-46-1-2 through IC 35-46-1-8, IC 35-46-1-12, or IC 35-46-1-15.1.

(13) Human and sexual trafficking under IC 35-42-3.5."

Page 9, line 31, after "Class" delete "A" and insert "B".

Page 10, line 1, after "Class" delete "A" and insert "B".

Page 10, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 9. IC 35-45-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) A person who communicates a threat to another person, with the intent:

- (1) that the other person engage in conduct against the other person's will;
- (2) that the other person be placed in fear of retaliation for a prior lawful act; or
- (3) of causing:
 - (A) a dwelling, a building, or another structure; or
 - (B) a vehicle;
 to be evacuated;

commits intimidation, a Class A misdemeanor.

(b) However, the offense is a:

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- (1) Class D felony if:
 - (A) the threat is to commit a forcible felony;
 - (B) the person to whom the threat is communicated:
 - (i) is a law enforcement officer;
 - (ii) is a judge or bailiff of any court;
 - (iii) is a witness (or the spouse or child of a witness) in any pending criminal proceeding against the person making the threat;
 - (iv) is an employee of a school corporation; ~~or~~
 - (v) is a community policing volunteer;
 - (vi) is an employee of a court; or**
 - (vii) is an employee of a probation department;**
 - (C) the person has a prior unrelated conviction for an offense under this section concerning the same victim; or
 - (D) the threat is communicated using property, including electronic equipment or systems, of a school corporation or other governmental entity; and
- (2) Class C felony if, while committing it, the person draws or uses a deadly weapon.
- (c) "Threat" means an expression, by words or action, of an intention to:
 - (1) unlawfully injure the person threatened or another person, or damage property;
 - (2) unlawfully subject a person to physical confinement or restraint;
 - (3) commit a crime;
 - (4) unlawfully withhold official action, or cause such withholding;
 - (5) unlawfully withhold testimony or information with respect to another person's legal claim or defense, except for a reasonable claim for witness fees or expenses;
 - (6) expose the person threatened to hatred, contempt, disgrace, or ridicule;
 - (7) falsely harm the credit or business reputation of the person threatened; or
 - (8) cause the evacuation of a dwelling, a building, another structure, or a vehicle."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1825 as introduced.)

ULMER, Chair

Committee Vote: yeas 11, nays 0.

HB 1825—LS 7558/DI 107+



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